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E.O. 12958: DECL: 11/20/2018
TAGS: [PREL](#) [PGOV](#) [KPAL](#) [EG](#) [IS](#)
SUBJECT: ISRAEL AND JORDAN DISCUSS MUGHRABI GATE, REMAIN
ENTRENCHED BEHIND SEPARATE RED LINES

REF: A. TEL AVIV 2043 AND PREVIOUS
[B.](#) AMMAN 3080 AND PREVIOUS
[C.](#) JERUSALEM 1616 AND PREVIOUS

Classified By: Political Counselor Marc Sievers for reasons
1.4 (B/D).

[1.](#) (C) SUMMARY AND COMMENT: Poloff met November 20 with MFA Jordan Desk Director Tuvia Israeli and MFA IO Desk Director Tibor Shalev-Schlosser to discuss the ongoing dispute between Jordan and Israel over the Mughrabi Gate. The pair provided a readout of MFA DG Abramovich's November 12 meeting with Jordanian Ambassador to Israel Al-Ayed, according to which Abramovich clarified that Jordan was welcome to conduct a site survey, but only under the auspices of the World Heritage Committee. While Israel remains open to technical planning consultations with Jordan, any effort to independently develop an alternative plan would be unacceptable to Israel. Israeli criticized the Jordanians for fanning the flames of anti-Israel public opinion instead of working quietly with the GOI to resolve the dispute. He said that Israel was honoring its commitments to the UNESCO track, but that time was running out and construction would likely resume in the coming months, following any appeals to the High Court. He thought a resumption of anti-Israel rioting was likely in East Jerusalem in response to any resumption of work at the site, but said the GOI was determined to see the project through. He noted that law enforcement officials were pressing hard for a new ramp, for fear that the collapse or condemnation of the unstable current ramp would prevent them from preserving law and order on the Haram Al-Sharif/Temple Mount. Abramovich and Al-Ayed will meet again on November 25. Given the entrenched positions of both sides, we don't see much hope in resolving this issue unless Jordan and Israel demonstrate considerably more flexibility than they have shown thus far. END SUMMARY AND COMMENT.

Abramovich and Al-Ayed Review Dispute, Plan to Meet Again

[2.](#) (C) Israeli, who was present at DG Abramovich's November 12 meeting with Jordanian Ambassador Al-Ayed, said the two would meet again on November 25. Confirming a separate readout provide earlier to PolCouns, Israeli said that Abramovich began the November 12 meeting by clarifying that during FM Livni's meeting in early November with Jordanian FM Al-Bashir at Sharm el-Sheikh, Livni had not made any specific commitments other than to suggest the Jordanians appoint a POC to work with Israel to resolve their dispute over the Mughrabi Gate. Al-Ayed said he was confused because the Israeli Ambassador in Amman had informed the Jordanians that they were welcome to send a group of Jordanian engineers to conduct a survey of the Mughrabi Gate site as long as they did not bring any "large equipment." Abramovich clarified that the Israeli Ambassador's message had been meant to

encourage Jordanian experts to participate in a site visit led by the World Heritage Center (WHC) some months ago, but which the Jordanians declined to join. Abramovich said the Israeli technical experts would still be glad to have a separate meeting with Jordanian counterparts. According to the MFA, Al-Ayed expressed interest and then backed away, saying he was concerned that leaks to the media could damage Jordan's position.

13. (C) Israeli and Shalev-Schlosser (who covers UNESCO) complained to PolOff that while Jordan participated in the first WHC meeting in Jerusalem, they refused to participate alongside Israelis in the WHC site visit or in subsequent non-site meetings, and thus had missed an opportunity to influence the project by meeting with Israeli planners and surveying the site themselves. (Note: Jordanian Embassy contacts have been consistent in their message that participating in a site visit alongside Israeli planners was unacceptable because it would be seen as acceptance of Israel's right to oversee the project.)

14. (C) Israeli added that the GOI had made all of its own technical data and site measurements available to the Jordanians so that they could have input into the process. However, both FM Al-Bashir and Ambassador Al-Ayed had admitted to the GOI that the goal of a Jordanian site survey would be to develop alternative plans for the new ramp, which is "totally unacceptable" to Israel. For that reason, he said, "it is no longer possible" for the Jordanians to conduct an independent survey.

15. (C) During the November 12 meeting, Abramovich stressed to Al-Ayed that Israel does not accept Jordan's right to offer an alternative plan for the ramp. At the same time, Israel

was cooperating with UNESCO and consulting with interested parties. Al-Ayed said it was too bad that Israel did not use a direct channel to Jordan to resolve their differences. Abramovich noted that previous Jordanian suggestions had already been factored into the construction plan, and that Israel was respecting the legal procedures requiring transparency and deliberation as part of any public planning process. Israeli and Shalev-Schlosser stressed to PolOff that the GOI was also honoring its commitments to UNESCO by providing regular reports to the WHC and by adhering to the WHC's conservation guidelines.

Next Steps

16. (C) On November 20, the National Planning Committee heard an appeal against the Jerusalem District Planning Committee's July approval of the revised plan for the Mughrabi Gate. Israeli said he expected the National Council to approve the existing plan, with or without minor modifications. He expected the plan to retain the flexibility mandated by the District Committee in order to allow further meaningful input from other interested parties. (Note: The Committee's decision was not known as of COB November 20; we will report the outcome once known.) If the National Committee approved the plan as expected, the only recourse left to opponents would be to appeal to the High Court, which Israeli thought was all but inevitable. Assuming an appeal to the High Court, the MFA does not expect a resumption of work at the site until early 2009, at the earliest. Israeli noted that the High Court could also hold the case for considerably longer, perhaps even years, as was the case with the appeal against construction of the Museum of Tolerance over the remains of a Muslim graveyard. As a last step, the approved Israeli master plan would still need to be translated into actual blueprints and then approved by government engineers.

17. (C) Mitigating against a lengthy legal process is the urgency of the public safety aspect of the site, Israeli said. The police are warning the GOI regularly that the existing structure is unsafe and could be condemned at any point by Jerusalem's City Engineer. As the only access to

the Haram Al-Sharif/Temple Mount for non-Muslims and security forces, the Israeli police fear that the existing ramp's collapse or closure would prevent them from ensuring law and order on the mount. The police department and Public Security Minister Avi Dichter were therefore pressing hard on the GOI to speed up the process for constructing a new access ramp for the Mughrabi Gate. In Israeli's view, this makes it unlikely that the High Court would dwell too long on any appeals.

18. (C) Israeli echoed assessments heard by other GOI and NGO contacts, that Israel's eventual resumption of work at the site is likely to spark a renewal of the rioting and violence that flared briefly when the project was begun in early 2007. At the same time, the GOI remains committed to the project and will proceed in accordance with its own laws. Israeli said the GOI was urging Jordan to "stop inflaming public passions" and instead consult quietly with the GOI on the path ahead. He said the GOI understood but regretted Jordan's decision to deal with the issue publicly rather than through the more effective confidential channels that the two neighbors rely on for security cooperation and other sensitive issues. (Note: According to press reports, PM Olmert and DM Barak made an undisclosed visit to Amman on November 18 to discuss Palestinian developments with King Abdullah. The MFA did not have a readout of that meeting, but thought it possible that the leaders might have also discussed the Mughrabi Gate.)

19. (C) COMMENT: While we continue to pay great attention to the technical and legal aspects of the Mughrabi Gate planning process, the real dispute remains political. At issue are Israel's and Jordan's competing claims to the site, based on their divergent interpretations of their historical rights and their notoriously inexact peace treaty. If the two are going to find a way out of their current mess, they will need to show considerably more flexibility than either has shown thus far.

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